

ORIGINAL

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
MAY 19 2015
JAMES W. HATHEN, Clerk
By: *[Signature]*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MI SUN CHUN,

Plaintiff,

v.

CIVIL ACTION FILE NO.
1:15-CV-1154-AT

GEORGIA CHRISTIAN UNIVERSITY, INC.
And DR. PAUL KIM,

Defendants.

**DEFENDANTS' MOTION TO WITHDRAW THEIR MOTION TO
DISMISS PURSUANT TO RULE 12(b)(2), 12(b)(4) AND 12(b)(5)**

COME NOW DEFENDANTS GEORGIA CHRISTIAN UNIVERSITY,
INC. and DR. PAUL KIM, by and through undersigned counsel, and file this
Motion to Withdraw their Motion to Dismiss pursuant to Rule 12(b)(2),
12(b)(4) and 12(b)(5) and shows this court the following:

1.

Defendants filed their Motion to Dismiss May 12, 2015.

2.

The Motion was based on incomplete information supplied to undersigned counsel.

3.

It appears from the record that process and service of process were effectuated in a sufficient manner as required by law.

4.

Pursuant to Fed. R. Civ. P. 7(b), Defendants file this Motion to Withdraw the above-referenced Motion to Dismiss.

WHEREFORE, Defendants pray as follows:

That this Motion be granted withdrawing Defendants' Motion to Dismiss pursuant to Rule 12(b)(2), 12(b)(4) and 12(b)(5).

This the 19th day of May, 2015.

Respectfully Submitted,

/s/

Richard S. Jaffe

Georgia Bar No. 388751

Attorney for Defendants

Richard S. Jaffe, LLC
Attorney at law
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MI SUN CHUN,

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1:15-CV-1154-AT

GEORGIA CHRISTIAN UNIVERSITY, INC.
and DR. PAUL KIM,

Defendants.

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION TO WITHDRAW THEIR MOTION TO DISMISS
PURSUANT TO RULE 12(b)(2), 12(b)(4) AND 12(b)(5)

COME NOW DEFENDANTS GEORGIA CHRISTIAN UNIVERSITY,
INC. and DR. PAUL KIM, and submit this Memorandum of Law in Support
of their Motion to Withdraw their Motion to Dismiss as follows:

FACTS

This case stems from an employer/employee relationship whereby
Plaintiff alleges primarily that Defendants failed to pay Plaintiff the agreed
upon salary and that Defendants agreed to help Plaintiff obtain a "green
card" but that Plaintiff would have to repay Defendants the entire yearly
salary in return. On or about April 14, 2105, Plaintiff filed this civil action.

Defendants retained undersigned counsel on May 7, 2015, who was provided incomplete information regarding service of process, and the Motion to Dismiss was filed May 12, 2015. After discussion with Plaintiffs' counsel, however, it appears process and service of process are sufficient as required by law. Thus, Defendants wish to withdraw the afore-mentioned Motion to Dismiss.

CITATION OF AUTHORITY

Fed. R. Civ. P. 7(b) requires motions to be in writing. This holds true for the withdrawal of motions. As was stated in United Coin Meter v. Seaboard Coastline RR., 705 F.2d 839 (1983), "The oral withdrawal of a written motion to dismiss is a procedure unknown to this court. Rule 7(b) . . . requires motions to be made in writing unless made during a hearing or trial. If a written Motion is to be withdrawn it should be done with the same formality required for making the motion in the first place." United Coin Meter at 843. Defendants have therefore filed their written motion to withdraw their motion to dismiss.

It appearing that process and service of process is sufficient as required by law, Defendants Motion to Dismiss should be withdrawn.

This is to certify that the foregoing memorandum of law is in compliance with L.R. 5.1 in that the font used is Times New Roman 14 point type.

This the 19th day of May, 2015.

Respectfully Submitted,

/s/

Richard S. Jaffe

Georgia Bar No. 388751

Attorney for Defendants

Richard S. Jaffe, LLC
Attorney at law
9580 Hillside Drive
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(770) 335-7898 phone
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rsjaffepclaw@gmail.com

CERTIFICATE OF SERVICE

I certify that on may 20th, 2015, I will electronically file Defendants' Motion to Withdraw Their Motion to Dismiss and Memorandum of Law in Support with the Clerk of Court using the CM/ECF system. I will serve the foregoing on the following persons via email and first class postage.

Paul J. Sharman
The Sharman Law Firm, LLC
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Alpharetta, Georgia 30022

By: 

Richard S. Jaffe
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And DR. PAUL KIM,

Defendants.

ORDER

Upon motion of Defendants Georgia Christian University, Inc. and Dr. Paul Kim, for withdrawal of their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(4) and 12(b)(5), and after having considered all evidence in this case,

It is ORDERED and ADJUDGED, that Defendants Motion to Withdraw their Motion to Dismiss is hereby granted.

SO ORDERED, this the ____ day of _____, 2015.

Judge
United States District Court
Northern District of Georgia